

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

NELLIE L. KING, THE LAW OFFICES  
OF NELLIE L. KING, P.A.

CASE NO.: 2019CA011150XXXXMB  
JUDGE G. JOSEPH CURLEY  
CIRCUIT CIVIL DIV.: AA  
COURTROOM 10H

Plaintiff,

v.

CITY OF DELRAY BEACH, FLORIDA,

Defendant.

---

**COMPLAINT FOR WRIT OF MANDAMUS AND DECLARATORY RELIEF**

Plaintiff, NELLIE L. KING, THE LAW OFFICES OF NELLIE L. KING, P.A., by and through undersigned counsel, NELLIE L. KING and JOSEPH G. SCONZO, sues Defendant, CITY OF DELRAY BEACH, FLORIDA, and alleges:

**Introduction**

1. This is an action seeking mandamus and declaratory relief for a violation of the Florida Public Records Act. Plaintiff contends that the CITY OF DELRAY BEACH, FLORIDA, refuses to perform its statutory duty to make public records in its possession available for inspection and copying.

**Jurisdiction**

2. This Court has jurisdiction under Art. I, Sec. 24, of the Florida Constitution, and Section 119.07, Florida Statutes. This Court has jurisdiction to issue a writ of mandamus under Art. V, Section 5(b), Fla. Const.

3. The facts and circumstances giving rise to this dispute and which create the need for relief occurred and relate to records maintained in the custody of the CITY OF DELRAY BEACH, FLORIDA, in Palm Beach County, Florida. This cause of action accrued in Palm Beach

County, Florida, and the property in litigation (i.e., records in the possession of the CITY OF DELRAY BEACH, FLORIDA), are located in Palm Beach County, Florida.

### **Parties**

4. Plaintiff, NELLIE L. KING, THE LAW OFFICES OF NELLIE L. KING, P.A., is a citizen and a corporation doing business in the State of Florida.

5. Defendant, CITY OF DELRAY BEACH, FLORIDA, is a political subdivision of the State of Florida. The CITY OF DELRAY BEACH, FLORIDA, is the official custodian of, and has possession of, certain public records sought by Plaintiff.

### **General Allegations**

6. On April 3 and May 10, 2019, Plaintiff made Public Records Requests for certain records in the possession of the Defendant, CITY OF DELRAY BEACH, FLORIDA, through her investigative staff, MICHAEL DONOHOE of LIVE OAK INVESTIGATIONS. *See* “Exhibits 1 and 2,” attached hereto.

7. The multiple Chapter 119 Public Records Requests seek the production of evidence collected by the Delray Beach Police Department in *State of Florida v. Bethany Fedorenchik*, Palm Beach County Criminal Case Number 2019MM003721AXX. The records sought were collected by law enforcement officer CHRISTOPHER TRAPASSO, who, at the time the records were collected, was conducting the official business of the CITY OF DELRAY BEACH, FLORIDA, in his capacity as an officer with the Delray Beach Police Department. The “official business” aspect of these records is demonstrated by “Exhibit 3,” attached. The records were collected, stored on a thumb drive, and turned over to the Evidence Department of the Delray Beach Police Department.

8. It is irrefutable that OFFICER TRAPASSO collected these public records in the scope of official Delray Beach City business. “Exhibit 4,” attached, represents the Property and

Evidence Voucher prepared by the Delray Beach Police Department reference the thumb drive sought by the Plaintiff. This voucher lists, among other items collected by Delray officers, the “purple thumb 100 thousand text messages from victim’s personal phone (P. 4 of “Exhibit 4,” wherein the thumb drive is referenced as “No. 1, Bag 9, Item 9”).”

9. The evidence collected by OFFICER TRAPASSO in his official capacity as an employee of the CITY OF DELRAY BEACH, FLORIDA, was then made known, and transmitted, to the Palm Beach County State Attorney’s Office. The Palm Beach County State Attorney’s Office then also listed the records as evidence in the *Fedorenchik* matter, as indicated in Paragraphs K and M of “Defendant/Evidence List,” attached as “Exhibit 5.”

10. The Defendant acknowledged the Public Records Requests on multiple occasions and in varying forms of communications. On May 30, 2019, the Defendant responded to this Chapter 119 Request by indicating, “your request is being processed.” The Defendant simultaneously submitted an invoice for payment to the Plaintiff for the production of the subject records. The Public Records Request was internally numbered P002675-053019 by the Defendant.

11. On June 12, 2019, counsel for the Defendant, LAWONDA WARREN, refused to produce the records lawfully sought pursuant to Chapter 119, stating, “The additional downloaded cell phone data was not made or received in connection with a transaction of official business (criminal investigation) by our department.” See “Exhibit 6,” attached. The Defendant does not assert the records are confidential in nature. Rather, the Defendant asserts that, despite OFFICER TRAPASSO’s collection of the records as part of a criminal investigation thoroughly documented in corresponding police reports, while he was on duty, the officer was not acting in his official capacity when the records were collected.

12. As of the time of this writing, the Defendant, the CITY OF DELRAY BEACH, FLORIDA, has failed to provide any of the requested records.

13. The refusal and delay in producing the requested records is unreasonable, unlawful, and constitutes a denial of access to public records.

## **LEGAL CLAIMS**

### **COUNT I**

14. Plaintiff repeats the allegations set forth in paragraphs 1 through 12 above as if fully set forth herein.

15. This is an action for mandamus under Rule 1.630 for violation of the Public Records Act.

16. As custodian of public records, the CITY OF DELRAY BEACH, FLORIDA, has a duty to permit the inspection of all public records.

17. Plaintiff has a legal and constitutional right to inspect all public records to which no statutory exemption applies. Art. I, § 24(a), Fla. Const.; § 119.07(1)(a), Fla. Stat.

18. Plaintiff made numerous requests to inspect public records, including on April 3 and May 10, 2019.

19. The CITY OF DELRAY BEACH, FLORIDA, has failed to timely provide Plaintiff with the requested records.

20. The refusal to provide Plaintiff with the requested records violates the Public Records Act.

21. Plaintiff has no other adequate remedy at law.

22. Plaintiff seeks and is entitled to an accelerated hearing under § 119.11(1), Florida Statutes.

23. Plaintiff is entitled to recover reasonable attorney fees and costs incurred in bringing this action under § 119.12, Florida Statutes. *See also Bd. of Trustees, Jacksonville Police & Fire Pension Fund v. Lee*, 189 So. 3d 120 (Fla. 2016).

WHEREFORE, Plaintiff respectfully prays that this Court enter a judgment granting the requested relief of:

- A. an accelerated hearing;
- B. requiring the CITY OF DELRAY BEACH, FLORIDA, to make the requested records available to Plaintiff on an immediate basis;
- C. a declaration of relief that the CITY OF DELRAY BEACH, FLORIDA, unlawfully withheld public records from inspection and copying;
- E. a judgment awarding costs and attorney's fees; and
- F. any such other relief as the Court deems appropriate.

### **ARGUMENT**

Plaintiff seeks to inspect certain records in the custody of the CITY OF DELRAY BEACH, FLORIDA. Plaintiff contends that the CITY OF DELRAY BEACH, FLORIDA, has failed to perform mandatory duties to make public records available for inspection. Mandamus is the appropriate remedy to enforce violations of the Public Records Law. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997) (for purposes of mandamus relief under the Public Records Act, disclosure of public records is a mandatory act).

In *Radford v. Brock*, 914 So. 2d 1066 (Fla. 2d DCA 2006), the Second District Court of Appeal outlined the requirements for issuance of an alternative writ of mandamus:

A party petitioning for a writ of mandamus must establish a clear legal right to performance of the act requested, an indisputable legal duty, and no adequate remedy at law. When a trial court receives a petition for a writ of mandamus, its initial task is assessing the petition to determine whether it is facially sufficient. If it is not facially sufficient, the court may dismiss the petition. If the petition is facially sufficient, the court must issue an alternative writ of mandamus requiring the respondent to show cause why the writ should not be issued.

914 So. 2d at 1067-68 (internal citations and quotation marks omitted). *See also Moore v. Ake*, 639 So. 2d 697, 698 (Fla. 2d DCA 1997) and *Quigley v. Satz*, 596 So. 2d 753 (Fla. 4<sup>th</sup> DCA 1992)(a petitioner is not required to serve the respondent with the complaint and could not serve the alternative writ until the trial court had performed the tasks required of it under the rule).

As demonstrated below, Plaintiff has established all of the above requirements, and an order to show cause or alternative writ of mandamus should issue forthwith directing the CITY OF DELRAY BEACH, FLORIDA, to show cause why the requested relief should not be granted.

**A. Clear Legal Right**

To be entitled to a writ of mandamus, a party must allege a violation of a clear legal right and the breach of an indisputable legal duty. *Clay County Educ. Ass'n v. Clay County Sch. Bd.*, 144 So. 3d 708, 709 (Fla. 1st DCA 2014).

Section 119.07(1), Florida Statutes, provides that:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

In *Nat'l Collegiate Athletic Ass'n v. Associated Press*, 18 So. 3d 1201, 1210 (Fla. 1st DCA 2009), the First District Court of Appeal stated, “[t]he plain meaning of this statute is that the public records law can be enforced against any person who has custody of public records, whether that person is employed by the public agency creating or receiving the records or not.” *Id.* at 1210.

All citizens of this State enjoy the right to inspect public records. Indeed, this right is not only a statutory right under § 119.07(1), Fla. Stat., but has been elevated by the citizens of Florida to constitutional status. Art. I, § 24(a), Fla. Const. The Florida Public Records Act was enacted to promote public awareness and knowledge of government actions in order to ensure that governmental officials and agencies remain accountable to the people. *WFTV, Inc. v. School Board of Seminole County*, 874 So. 2d 48, 52 (Fla. 5<sup>th</sup> DCA 2004). “An individual's reason for requesting a public record is irrelevant.” *Barfield v. Sch. Bd. of Manatee County*, 135 So. 3d 560, 562 (Fla. 2d DCA 2014). The burden is on the Defendant to demonstrate that the requested records are exempt and the statutory basis for such an exemption. *Id.*

The Petition alleges that the CITY OF DELRAY BEACH, FLORIDA, failed to comply with its statutory duties in responding to the records requests by failing to furnish any responsive records.

Plaintiff, therefore, has established a clear legal right to the relief requested.

#### **B. Mandatory Duty**

As the custodian of the requested records, the CITY OF DELRAY BEACH, FLORIDA, has a mandatory statutory duty to permit inspection of any record or any portion thereof which is not subject to any statutory exemption. The CITY OF DELRAY BEACH, FLORIDA, also has a mandatory duty to state in writing any applicable statutory exemption it contends applies to the requested records as well as a duty to produce any non-exempt portion of a record after redacting any exempt portion. *See* § 119.07(1)(d), (e) and (f).

The CITY OF DELRAY BEACH, FLORIDA, has no discretion but to state in writing any applicable statutory exemption, explain with particularity its reasons for the conclusion that any applicable exemption applies to the records, and produce any non-exempt portion after redaction

of the exempt portion. Otherwise the CITY OF DELRAY BEACH, FLORIDA, must produce the requested records.

Here, the CITY OF DELRAY BEACH, FLORIDA, relies not on any statutory exemption under Fla. Stat. Sect. 119.071 in refusing to produce the public records. Rather, the CITY OF DELRAY BEACH, FLORIDA, makes the spurious claim that OFFICER TRAPASSO was “not acting in connection with a transaction of official business.” This assertion is controverted by the corresponding police reports and by the “evidence trail.” the records were included in the evidence lists of the collecting entity, the Defendant (“Exhibit 4”), as well as a receiving agency, the State Attorney’s Office (“Exhibit 5”).

The response by the CITY OF DELRAY BEACH, FLORIDA, is in direct violation of the letter and spirit of Chapter 119. The right to access public records is of constitutional dimension.

*See* Art. I, Sec. 24(a), Fla. Const. As emphasized in by the Florida Supreme Court:

Florida courts have articulated that the purpose of the Public Records Act, in broad terms, is “to open public records to allow Florida’s citizens to discover the actions of their government.” *Bent v. State*, 46 So.3d 1047, 1049 (Fla. 4th DCA 2010) (quoting *Christy v. Palm Beach Cty. Sheriff’s Office*, 698 So.2d 1365, 1366 (Fla. 4th DCA 1997)). This Court, in particular, has described the right of access to public records as a “cornerstone of our political culture.” *In re Report & Recommendations of Judicial Mgmt. Council of Fla. on Privacy & Elec. Access to Court Records*, 832 So.2d 712, 713 (Fla.2002).

*Bd. of Trustees, Jacksonville Police & Fire Pension Fund v. Lee*, 189 So. 3d 120, 124 (Fla. 2016).

### **C. No Adequate Remedy**

Plaintiff has no other adequate remedy at law. Mandamus is the appropriate remedy for violations of the Public Records Law. *Yasir v. Forman*, 149 So. 3d 107, 108 (Fla. 4th DCA 2014); *Smith v. State*, 696 So. 2d at 816.



**D. Accelerated Hearing**

Plaintiff is entitled to an immediate hearing under § 119.11(1), which provides that:

[w]henever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases.

*Clay County Educ. Ass'n v. Clay County Sch. Bd.*, 144 So. 3d 708, 709 (Fla. 1st DCA 2014) (immediate hearing was required when action seeking public records is filed). *See Woodfaulk v. State*, 935 So. 2d 1225, 1227 (Fla. 5th DCA 2006) (trial court abused its discretion in refusing immediate hearing as filing of mandamus action itself triggered requirement that court set immediate hearing under § 119.11(1)). *See also Salvador v. Fennelly*, 593 So. 2d 1091, 1093 (Fla. 4th DCA 1992).

**E. Attorney's Fees and Costs**

Attorney's fees and costs are proper because there is no basis for withholding the requested records. *See Office of the State Attorney for 13<sup>th</sup> Jud. Cir. v. Gonzalez*, 953 So. 2d 759, 764 (Fla. 2d DCA 2007) (attorney's fees awardable under § 119.12 when (1) a court finds that the basis for withholding the requested records is improper or (2) when an agency unlawfully delays producing public records). A good faith but mistaken belief that an exemption applies to shield public records does not preclude an award of attorney's fees. *Times Publishing Co. v. Clerk of St. Petersburg*, 558 So. 2d 487, 495 (Fla. 2d DCA 1990). As the Florida Supreme Court recently stated in *Bd. of Trustees, Jacksonville Police & Fire Pension Fund v. Lee*, 189 So. 3d 120 (Fla. 2016), awarding attorney's fees under § 119.12 "is not contingent on a finding of the public agency's unreasonableness or bad faith before allowing for an award of attorney's fees under the Public Records Act." *Id.* at 127.

Dated August 27, 2019

Respectfully submitted,

Joseph G. Sconzo P.A.  
250 S. Central Boulevard, Suite 201  
Jupiter, FL 33458  
Tele: 561-781-3000  
E-Mail: josephgsconzolaw@gmail.com

The Law Offices of Nellie L. King, P.A.  
319 Clematis Street, Suite 107  
West Palm Beach, FL 33401  
Tele: 561-833-1084  
E-Mail: Nellie@CriminalDefenseFla.com

BY: /s/ Joseph G. Sconzo  
Joseph G. Sconzo  
Florida Bar No.: 508720

BY: /s/ Nellie L. King  
NELLIE L. KING, ESQUIRE  
Florida Bar No.: 0099562

**Message History (13)**

✉ On 5/10/2019 4:31:44 PM, Delray Beach Public Records Support wrote:

**Subject:** [Records Center] Police Department :: P001768-040319

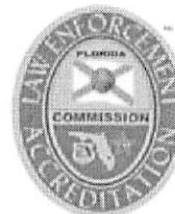
**Body:**



Javaro A. Sims  
Chief of Police

**Delray Beach  
Police Department**

300 West Atlantic Avenue  
Delray Beach, Florida 33444-3695  
(561) 243-7888 Fax (561) 243-7816



Accredited  
Since 2004

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May 10, 2019

RE: PUBLIC RECORDS REQUEST of April 03, 2019., Reference # P001768-040319.

Dear Michael Donohoe,

The Delray Beach Police Department received a public information request from you on April 03, 2019. Your request mentioned:

- "1. Copies of all police reports regarding DBPD Case #17-014767, involving Bethany Fedorenchik and Lt. Nicole Guerriero, to include all witness statements, downloaded cell phone data, arrest plans regarding the planned arrest of Bethany Fedorenchik, filing packet provided to State Attorney's Office.
2. Email communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.
3. Text message communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee on Delray Police Department issued cell phones discussing Bethany Fedorenchik and Nicole Guerriero.
4. Mobile Data Terminal communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.
5. IA and Personnel files for Lt. Nicole Guerriero and Officer Stephanie Baker.
6. Any emails, or recorded telephone calls between Delray Beach Police Department and PBSO Jail for the dates of March 27-30, 2019 regarding Bethany Fedorenchik.

7. Copy of Delray Beach Police Department's Standard Operating Procedures Manual.

8. Identity of all officers who were assigned to conduct surveillance at Bethany Fedorenchik's residence and arrest of Bethany Fedorenchik between March 27-30, 2019.

9. Copies of emails, text messages and phone communication originating or received between Assistant Chief Mary Olsen and Lt. Nicole Guerriero regarding Bethany Fedorenchik.

10. Copies of Lt. Nicole Guerriero schedule to include days off and vacation days for the period of 01/01/2018-04/01/2019."

After a diligent search, our office has located records responsive to your request:

These records have been released to the Delray Beach Police Department's Public Records Portal. Click the link below this message to login and retrieve the records. Thank you for your patience in awaiting this information.

[Police Department-P001768-040319](#)

Sincerely,

Delray Beach Police Department

☒ On 5/6/2019 8:39:43 AM, Delray Beach Public Records Support wrote:

**Subject:** [Records Center] Police Department :: P001768-040319

**Body:**



Javaro A. Sims  
Chief of Police

## Delray Beach Police Department

300 West Atlantic Avenue  
Delray Beach, Florida 33444-3695  
(561) 243-7888 Fax (561) 243-7816



Accredited  
Since 2004

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May 06, 2019

RE: PUBLIC RECORDS REQUEST of April 03, 2019., Reference # P001768-040319.

Dear Michael Donohoe,

The Delray Beach Police Department received a public information request from you on April 03, 2019. Your request mentioned:

- "1. Copies of all police reports regarding DBPD Case #17-014767, involving Bethany Fedorenchik and Lt. Nicole Guerriero, to include all witness statements, downloaded cell phone data, arrest plans regarding the planned arrest of Bethany Fedorenchik, filing packet provided to State Attorney's Office.**
- 2. Email communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.**
- 3. Text message communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee on Delray Police Department issued cell phones discussing Bethany Fedorenchik and Nicole Guerriero.**
- 4. Mobile Data Terminal communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.**
- 5. IA and Personnel files for Lt. Nicole Guerriero and Officer Stephanie Baker.**
- 6. Any emails, or recorded telephone calls between Delray Beach Police Department and PBSO Jail for the dates of March 27-30, 2019 regarding Bethany Fedorenchik.**
- 7. Copy of Delray Beach Police Department's Standard Operating Procedures Manual.**
- 8. Identity of all officers who were assigned to conduct surveillance at Bethany Fedorenchik's residence and arrest of Bethany Fedorenchik between March 27-30, 2019.**
- 9. Copies of emails, text messages and phone communication originating or received between Assistant Chief Mary Olsen and Lt. Nicole Guerriero regarding Bethany Fedorenchik.**
- 10. Copies of Lt. Nicole Guerriero schedule to include days off and vacation days for the period of 01/01/2018-04/01/2019."**

The records you are inquiring about (cell phone data) have been released via portal. Please see the 2 documents labeled "P001768 4 hours" and an Excel spreadsheet labeled "Report". I am currently still working on reviewing the remainder of the extracted data which you have just provided payment for.

Sincerely,

Delray Beach Police Department

✉ On 5/3/2019 2:44:47 PM, Michael Donohoe wrote:

Good afternoon Ms. Blake, as part of my 119 request, I requested any downloaded cellphone data (Cellbrite Report) regarding the captioned case. That information was not contained in the returned documents. I have been hired by Attorney Nellie King who is representing the defendant Bethany Fedorenchik in this matter. Can you please advise when that information will be provided, or if there is an additional step I need to take to obtain this information. I can be reached at [mike@liveoakpi.com](mailto:mike@liveoakpi.com) or 561-268-9185. Thank you in advance for your assistance.

✉ On 4/30/2019 8:59:33 AM, Delray Beach Public Records Support wrote:

**Subject:** Payment Received on Invoice :: P001768-040319

**Body:**

Powered by  
**GovQA**

RE: PUBLIC RECORDS REQUEST of April 03, 2019, Reference # P001768-040319

Dear Michael Donohoe,

We have received your payment on invoice number INV19-P001768-2 for Request Number P001768-040319.

Payment Date	Payment Method	Payment Amount
4/30/2019	Online	\$254.22
4/30/2019	Online	\$0.00
4/28/2019	Online	\$0.00

Sincerely,

Delray Beach

To monitor the progress or update this request please log into the [Public Records Center](#)

Powered by  
**GovQA**

✉ On 4/25/2019 11:10:58 AM, Delray Beach Public Records Support wrote:

**Subject:** INVOICE - PUBLIC RECORDS REQUEST :: P001768-040319

**Body:**



RE: PD PUBLIC RECORDS REQUEST of April 03, 2019, Reference # P001768-040319.

Dear Michael Donohoe,

Your invoice is ready. Please login to the **Delray Beach Police Department Public Records Center** to make an online payment or make a check or money order payable to:

**Delray Beach Police Department**

**300 West Atlantic Avenue**

**Delray Beach, Florida 33444-3695**

Sincerely,

Delray Beach Police Department

To monitor the progress or update this request please log into the **Public Records Center**

Powered by  
**GovQA**

☒ On 4/25/2019 11:08:27 AM, Delray Beach Public Records Support wrote:

**Subject:** [Records Center] Police Department :: P001768-040319

**Body:**

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Jeffrey S. Goldman  
Chief of Police

## Delray Beach Police Department

300 West Atlantic Avenue  
Delray Beach, Florida 33444-3695  
(561) 243-7888 Fax (561) 243-7816

Accredited  
Since 2004

Delray Beach  
Florida  
1993

April 25, 2019

RE: PUBLIC RECORDS REQUEST of April 03, 2019., Reference # P001768-040319.

Dear Michael Donohoe,

The Delray Beach Police Department received a public information request from you on April 03, 2019. Your request mentioned:

- "1. Copies of all police reports regarding DBPD Case #17-014767, involving Bethany Fedorenchik and Lt. Nicole Guerriero, to include all witness statements, downloaded cell phone data, arrest plans regarding the planned arrest of Bethany Fedorenchik, filing packet provided to State Attorney's Office.
2. Email communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.
3. Text message communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee on Delray Police Department issued cell phones discussing Bethany Fedorenchik and Nicole Guerriero.
4. Mobile Data Terminal communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.
5. IA and Personnel files for Lt. Nicole Guerriero and Officer Stephanie Baker.
6. Any emails, or recorded telephone calls between Delray Beach Police Department and PBSO Jail for the dates of March 27-30, 2019 regarding Bethany Fedorenchik.
7. Copy of Delray Beach Police Department's Standard Operating Procedures Manual.

8. Identity of all officers who were assigned to conduct surveillance at Bethany Fedorenchik's residence and arrest of Bethany Fedorenchik between March 27-30, 2019.

9. Copies of emails, text messages and phone communication originating or received between Assistant Chief Mary Olsen and Lt. Nicole Guerriero regarding Bethany Fedorenchik.

10. Copies of Lt. Nicole Guerriero schedule to include days off and vacation days for the period of 01/01/2018-04/01/2019."

Unfortunately, I was not able to complete the review of all 4,000+ file folders within my original estimated time of 4 hours. I have compressed and zipped what I was able to review within the 4 hours. I will provide an estimate for the remainder of the files to be reviewed.

At this time, all (paid) records responsive are available via portal.

I thank you for your patience and apologize for any inconvenience.

Sincerely,

Delray Beach Police Department

☒ On 4/24/2019 11:34:55 AM, Delray Beach Public Records Support wrote:

**Subject:** Payment Received on Invoice :: P001768-040319

**Body:**

Powered by  
**GovQA**

RE: PUBLIC RECORDS REQUEST of April 03, 2019, Reference # P001768-040319

Dear Michael Donohoe,

We have received your payment on invoice number INV19-P001768-1 for Request Number P001768-040319.

Payment Date	Payment Method	Payment Amount
4/24/2019	Online	\$278.60

Sincerely,

Delray Beach

To monitor the progress or update this request please log into the [Public Records Center](#)

Powered by  
**GovQA**

✉ On 4/22/2019 9:49:28 AM, Delray Beach Public Records Support wrote:

**Subject:** [Records Center] Police Department :: P001768-040319

**Body:**



Jeffrey S. Goldman  
Chief of Police

## Delray Beach Police Department

300 West Atlantic Avenue  
Delray Beach, Florida 33444-3695  
(561) 243-7888 Fax (561) 243-7816

Accredited  
Since 2004



April 22, 2019

RE: PUBLIC RECORDS REQUEST of April 03, 2019., Reference # P001768-040319.

Dear Michael Donohoe,

The Delray Beach Police Department received a public information request from you on April 03, 2019. Your request mentioned:

- "1. Copies of all police reports regarding DBPD Case #17-014767, involving Bethany Fedorenchik and Lt. Nicole Guerriero, to include all witness statements, downloaded cell phone data, arrest plans regarding the planned arrest of Bethany Fedorenchik, filing packet provided to State Attorney's Office.**
  - 2. Email communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.**
  - 3. Text message communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee on Delray Police Department issued cell phones discussing Bethany Fedorenchik and Nicole Guerriero.**
  - 4. Mobile Data Terminal communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.**
  - 5. IA and Personnel files for Lt. Nicole Guerriero and Officer Stephanie Baker.**
  - 6. Any emails, or recorded telephone calls between Delray Beach Police Department and PBSO Jail for the dates of March 27-30, 2019 regarding Bethany Fedorenchik.**
  - 7. Copy of Delray Beach Police Department's Standard Operating Procedures Manual.**
  - 8. Identity of all officers who were assigned to conduct surveillance at Bethany Fedorenchik's residence and arrest of Bethany Fedorenchik between March 27-30, 2019.**
  - 9. Copies of emails, text messages and phone communication originating or received between Assistant Chief Mary Olsen and Lt. Nicole Guerriero regarding Bethany Fedorenchik.**
  - 10. Copies of Lt. Nicole Guerriero schedule to include days off and vacation days for the period of 01/01/2018-04/01/2019."**
- 
1. Incident report with supplements, excel spreadsheets and Victim Witness Statement have been released via portal. Invoice provided for additional cell phone data not under 20 minutes/free of charge.
  2. Invoice provided for retrieval and review.
  3. Our City, IT department requires a subpoena in order to provide detailed text communication as requested. A physical search of work phones did not provide any records responsive. However, screen shots of text messages were found within our Evidence department and an invoice has been provided.

4. No MDT/MCT communications discussing the individuals requested.

5. Provided and released via portal.

6. Emails retrieved via #9. No recorded telephone calls between Delray Beach Police Department and PBSO Jail for the dates of March 27-30, 2019 regarding Bethany Fedorenchik were identified.

7. Responsive General Orders released via portal.

8. No records responsive.

9. Emails- Invoice provided. Text messages- None physically identified. Subpoena required in order to provide detailed text communications.

10. Provided via portal.

Sincerely,  
Delray Beach Police Department

☒ On 4/22/2019 9:47:05 AM, Delray Beach Public Records Support wrote:

**Subject:** INVOICE - PUBLIC RECORDS REQUEST :: P001768-040319

**Body:**



RE: PD PUBLIC RECORDS REQUEST of April 03, 2019, Reference # P001768-040319.

Dear Michael Donohoe,

Your invoice is ready. Please login to the [Delray Beach Police Department Public Records Center](#) to make

an online payment or make a check or money order payable to:

**Delray Beach Police Department**

**300 West Atlantic Avenue**

**Delray Beach, Florida 33444-3695**

Sincerely,

Delray Beach Police Department

To monitor the progress or update this request please log into the Public Records Center

Powered by  
**GovQA**

✉ On 4/9/2019 10:08:16 AM, Delray Beach Public Records Support wrote:

**Subject:** [Records Center] Police Department :: P001768-040319

**Body:**

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**GovQA**



Jeffrey S. Goldman  
Chief of Police

## Delray Beach Police Department

300 West Atlantic Avenue  
Delray Beach, Florida 33444-3695  
(561) 243-7888 Fax (561) 243-7816

Accredited  
Since 2004

Delray Beach  
Florida  
1993

April 09, 2019

RE: PUBLIC RECORDS REQUEST of April 03, 2019., Reference # P001768-040319.

Dear Michael Donohoe,

The Delray Beach Police Department received a public information request from you on April 03, 2019. Your request mentioned:

- "1. Copies of all police reports regarding DBPD Case #17-014767, involving Bethany Fedorenchik and Lt. Nicole Guerriero, to include all witness statements, downloaded cell phone data, arrest plans regarding the planned arrest of Bethany Fedorenchik, filing packet provided to State Attorney's Office.
2. Email communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.
3. Text message communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee on Delray Police Department issued cell phones discussing Bethany Fedorenchik and Nicole Guerriero.
4. Mobile Data Terminal communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.
5. IA and Personnel files for Lt. Nicole Guerriero and Officer Stephanie Baker.
6. Any emails, or recorded telephone calls between Delray Beach Police Department and PBSO Jail for the dates of March 27-30, 2019 regarding Bethany Fedorenchik.
7. Copy of Delray Beach Police Department's Standard Operating Procedures Manual.

8. Identity of all officers who were assigned to conduct surveillance at Bethany Fedorenchik's residence and arrest of Bethany Fedorenchik between March 27-30, 2019.

9. Copies of emails, text messages and phone communication originating or received between Assistant Chief Mary Olsen and Lt. Nicole Guerriero regarding Bethany Fedorenchik.

10. Copies of Lt. Nicole Guerriero schedule to include days off and vacation days for the period of 01/01/2018-04/01/2019."

This letter is to clarify what information that you are seeking from our office.

Please provide a time frame in order to be able to search #2 and # 9 from your list.

You may provide a response by any of the following methods:

1. by replying to this email
2. by replying via the Delray Beach Police Department's Public Records Portal
3. by regular mail to Delray Beach Police Department's office 300 West Atlantic Avenue Delray Beach, Florida 33444-3695
4. in person at the Delray Beach Police Department's office 300 West Atlantic Avenue Delray Beach, Florida 33444-3695

Upon receipt of your clarification, our office will further respond to your request as required by law, including providing you with an estimate of costs associated with producing the requested records.

Sincerely,

Delray Beach Police Department

✉ On 4/3/2019 2:16:51 PM, Delray Beach Public Records Support wrote:

**Subject:** [Records Center] Police Department :: P001768-040319

**Body:**



Jeffrey S. Goldman  
Chief of Police

## Delray Beach Police Department

300 West Atlantic Avenue  
Delray Beach, Florida 33444-3695  
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April 03, 2019



RE: PUBLIC RECORDS REQUEST of April 03, 2019., Reference # P001768-040319.

Dear Michael Donohoe,

The Delray Beach Police Department received a public information request from you on April 03, 2019. Your request mentioned:

- "1. Copies of all police reports regarding DBPD Case #17-014767, involving Bethany Fedorenchik and Lt. Nicole Guerriero, to include all witness statements, downloaded cell phone data, arrest plans regarding the planned arrest of Bethany Fedorenchik, filing packet provided to State Attorney's Office.**
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- 9. Copies of emails, text messages and phone communication originating or received between Assistant Chief Mary Olsen and Lt. Nicole Guerriero regarding Bethany Fedorenchik.**
- 10. Copies of Lt. Nicole Guerriero schedule to include days off and vacation days for the period of 01/01/2018-04/01/2019."**

This letter is to clarify what information that you are seeking from our office.

Please provide clarification on what is being requested for #7.

We don't have SOP's for the department as a whole, we have General Orders.

Is there a specific General Order or Standard Operating Procedure that you are looking for?

You may provide a response by any of the following methods:

1. by replying to this email
2. by replying via the Delray Beach Police Department's Public Records Portal
3. by regular mail to Delray Beach Police Department's office 300 West Atlantic Avenue Delray Beach, Florida 33444-3695
4. in person at the Delray Beach Police Department's office 300 West Atlantic Avenue Delray Beach, Florida 33444-3695

Upon receipt of your clarification, our office will further respond to your request as required by law, including providing you with an estimate of costs associated with producing the requested records.

Sincerely,

Delray Beach Police Department

✉ On 4/3/2019 11:57:07 AM, Delray Beach Public Records Support wrote:



Dear Michael Donohoe:

Thank you for your interest in public records of Delray Beach Police Department. Your request has been received and is being processed in accordance with Chapter 119 of the Florida State Statutes. Your request was received in this office on 4/3/2019 and given the reference number **P001768-040319** for tracking purposes.

**Records Requested:** 1. Copies of all police reports regarding DBPD Case #17-014767, involving Bethany Fedorenchik and Lt. Nicole Guerriero, to include all witness statements, downloaded cell phone data, arrest plans regarding the planned arrest of Bethany Fedorenchik, filing packet provided to State Attorney's Office.

2. Email communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee discussing Bethany Fedorenchik and Nicole Guerriero.
3. Text message communications originating or received by Lt. Nicole Guerriero, Officer Stephanie Baker, or any other Delray Police Department employee on Delray Police Department issued cell phones discussing Bethany Fedorenchik and Nicole Guerriero.
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5. IA and Personnel files for Lt. Nicole Guerriero and Officer Stephanie Baker.
6. Any emails, or recorded telephone calls between Delray Beach Police Department and PBSO Jail for the dates of March 27-30, 2019 regarding Bethany Fedorenchik.
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8. Identity of all officers who were assigned to conduct surveillance at Bethany Fedorenchik's residence and arrest of Bethany Fedorenchik between March 27-30, 2019.
9. Copies of emails, text messages and phone communication originating or received between Assistant Chief Mary Olsen and Lt. Nicole Guerriero regarding Bethany Fedorenchik.
10. Copies of Lt. Nicole Guerriero schedule to include days off and vacation days for the period of 01/01/2018-04/01/2019.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Chapter 119 of the Florida State Statutes does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

Delray Beach Police Department

To monitor the progress or update this request please log into the [Public Records Portal](#)

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☒ On 4/3/2019 11:57:06 AM, Michael Donohoe wrote:

Request was created by customer

## P002346-051019 - Police Department

### Message History (3)

✉ On 5/10/2019 8:07:56 PM, Delray Beach Public Records Support wrote:

**Subject:** [Records Center] Police Department :: P002346-051019

**Body:**



Javaro A. Sims  
Chief of Police

### Delray Beach Police Department

300 West Atlantic Avenue  
Delray Beach, Florida 33444-3695  
(561) 243-7888 Fax (561) 243-7816



Accredited  
Since 2004

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1993

May 10, 2019

RE: PUBLIC RECORDS REQUEST of May 10, 2019., Reference # P002346-051019.

Dear Michael Donohoe,

The Delray Beach Police Department received a public information request from you on May 10, 2019. Your request mentioned:

"The full unredacted Cellebrite download of Lt. Nicole Guerriero cell phone, 561-767-6144. This information has been requested and clarified and has still not been provided. The previous request# P001768-040319 was clear and explained again in a message to the portal which the response was it would be released.

This is a piece of evidence in a criminal case.

,"

As previously stated, the records requested have been released via the portal. I apologize for any difficulties you are experiencing in retrieving the data/attachments. I have re-attached the 4 records responsive under this request as well. I have also attached them to this message for your convenience. Please be advised that these same records are the ones released in P001768-040319.

Sincerely,

Delray Beach Police Department

✉ On 5/10/2019 5:35:13 PM, Delray Beach Public Records Support wrote:



Dear Michael Donohoe:

Thank you for your interest in public records of Delray Beach Police Department. Your request has been received and is being processed in accordance with Chapter 119 of the Florida State Statutes. Your request was received in this office on 5/10/2019 and given the reference number **P002346-051019** for tracking purposes.

**Records Requested:** The full unredacted Cellebrite download of Lt. Nicole Guerriero cell phone, 561-767-6144. This information has been requested and clarified and has still not been provided. The previous request# P001768-040319 was clear and explained again in a message to the portal which the response was it would be released.

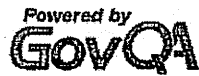
This is a piece of evidence in a criminal case.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Chapter 119 of the Florida State Statutes does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

Delray Beach Police Department

To monitor the progress or update this request please log into the [Public Records Portal](#)



☒ On 5/10/2019 5:35:12 PM, Michael Donohoe wrote:

Request was created by customer

BASE SUPPLEMENTAL REPORT  
NOT SUPERVISOR APPROVED

Printed: 03/19/2019 08:53

Delray Beach Police Department

OCA: 17014767

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ACTIVE

Case Mng Status: EXCEPTIONALLY CLEARED

Occurred: 04/01/2017

Offense: STALKING - SIMPLE

Investigator: TRAPASSO, CHRISTOPHER

Date / Time: 01/22/2019 10:57:21, Tuesday

Supervisor: (0)

Supervisor Review Date / Time: NOT REVIEWED

Contact:

Reference: Other

On 1/17/19 Ofc. Kearney requested I use the department Cellebrite UFED Touch 2.0 (S/N 7210442) to extract information from an Apple Iphone. The identifying information is as follows:

Selected Manufacturer: Apple  
Selected Model: iPhone 8 Plus (A1864)  
Detected Model: MQ962  
Device name: nicole's iphone (2)  
Revision: 12.1.2 (16C101)  
IMEI: 353010097419909  
Serial Number: FD1WNDH7JCLY  
MSISDN: +1 (561) 767-6144  
ICCID: 89148000002977395778  
IMSI: 311480298050563  
Bluetooth Address: 64:5a:ed:20:eb:6d  
Wi-Fi Address: 64:5a:ed:20:eb:6c  
Unique Device ID: 585b6912cf1a8b06f103a610172cc4ce219766d7

I extracted the requested information from the phone onto a thumb drive and turned it over to Ofc. Kearney. This ends my involvement in this case. [01/22/2019 11:14, TRAPASSO, 88, DBPD]

## EXHIBIT 3

Investigator Signature

Supervisor Signature



Agency Name <i>Delray Beach Police Department</i>			ORI <i>FL 0500400</i>	Incident Date / Time Reported <i>09/20/2017 18:00 Wed</i>		OCA File No. <i>17014767</i>
Location from which property was obtained <i>300 W ATLANTIC AVE BLK DELRAY BEACH</i>				Collecting Officer <i>BAKER, STEPHANIE (0935)</i>		
Date / Time Seized <i>09/20/2017 18:00</i>		Locker <i>WWIN</i>	Offense Description <i>SIMPLE STALKING</i>			
Stored By <i>BAKER, STEPHANIE</i>			Date/Time <i>10/26/2017 00:00</i>	Submitted By <i>BAKER, STEPHANIE</i>		Date/Time <i>10/10/2017 00:00</i>
No.	Bag	Item	Description of Articles (Include model, serial no., identifying marks, condition, etc.)	Category	Property Value	
<i>1</i>	<i>1</i>	<i>1</i>	<i>1 Of 2 Stalking Packets 1.000 DOCU, text messages from suspect [10/26/2017 16:13, KEARNEY, 176, DBPD]  Owner: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800 Seized From: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800</i>	<i>EVID</i>	<i>\$1.00</i>	
<i>2</i>	<i>2</i>	<i>2</i>	<i>2 Of 2 Stalking Packets 1.000 DOCU, text messages from suspect [10/26/2017 16:14, KEARNEY, 176, DBPD]  Owner: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800 Seized From: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800</i>	<i>EVID</i>	<i>\$1.00</i>	
<i>3</i>	<i>3</i>	<i>3</i>	<i>Cd Interview #1 Wf Guerriero, Nicole 1.000 RECO, interview with victim [10/26/2017 16:15, KEARNEY, 176, DBPD]  Owner: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800 Seized From: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800</i>	<i>EVID</i>	<i>\$1.00</i>	
<i>4</i>	<i>4</i>	<i>4</i>	<i>Cd Interview #2 Wf Guerriero, Nicole 1.000 RECO, interview with victim [10/26/2017 16:16, KEARNEY, 176, DBPD]  Owner: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800 Seized From: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800</i>	<i>EVID</i>	<i>\$1.00</i>	

## Narrative

Officer's Name/ID Number <i>BAKER, STEPHANIE (0935)</i>			Supervisor Name/ID Number <i>CRANE-BAKER, JOHN (0723)</i>		Case Status <i>Cleared By Warrant</i>
Officer's Signature		Submitted Date <i>10/26/2017 00:00:00 Thu</i>		Case Disposition <i>Cleared By Warrant</i>	

Agency Name <i>Delray Beach Police Department</i>			ORI <i>FL 0500400</i>	Incident Date / Time Reported <i>09/20/2017 18:00 Wed</i>	OCA File No. <i>17014767</i>
Location from which property was obtained <i>300 W ATLANTIC AVE BLK DELRAY BEACH</i>				Collecting Officer <i>BAKER, STEPHANIE (0935)</i>	
Date / Time Seized <i>09/20/2017 18:00</i>		Locker <i>WWIN</i>	Offense Description <i>SIMPLE STALKING</i>		
Stored By <i>BAKER, STEPHANIE</i>		Date/Time <i>03/21/2019 00:00</i>	Submitted By <i>BAKER, STEPHANIE</i>		Date/Time <i>03/21/2019 00:00</i>
No.	Bag	Item	Description of Articles (Include model, serial no., identifying marks, condition, etc.)	Category	Property Value
1	5	5	Stalking Packet Emails 1.000 DOCU, stalking packet email recvd from victim [03/21/2019 12:27, KEARNEY, 176, DBPD]  Owner: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800 Seized From: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800	EVID	\$1.00
2	6	6	Preservations Letters To Spytech & Amazo 2.000 DOCU, preservations letters [03/21/2019 12:29, KEARNEY, 176, DBPD]  Owner: <Unknown> Seized From: <Unknown>	EVID	\$1.00
3	7	7	Thumbdrive With Interviews And Cell Phon E, 1.000 RECO, thumbdrive of interview with vict N Guerriero and cell phone dumbe of N. Guerriero [03/21/2019 12:31, KEARNEY, 176, DBPD]  Owner: <Unknown> Seized From: <Unknown>	EVID	\$1.00

## Narrative

Officer's Name/ID Number <i>BAKER, STEPHANIE (0935)</i>			Supervisor Name/ID Number <i>CRANE-BAKER, JOHN (0723)</i>		Case Status <i>Cleared By Warrant</i>
Officer's Signature		Submitted Date <i>03/21/2019 00:00:00 Thu</i>		Case Disposition <i>Cleared By Warrant</i>	

Agency Name <i>Delray Beach Police Department</i>			ORI <i>FL 0500400</i>	Incident Date / Time Reported <i>09/20/2017 18:00 Wed</i>		OCA File No. <i>17014767</i>	
Location from which property was obtained <i>300 W ATLANTIC AVE BLK DELRAY BEACH</i>				Collecting Officer <i>BAKER, STEPHANIE (0935)</i>			
Date / Time Seized <i>04/03/2019 00:00</i>		Locker <i>WWIN</i>		Offense Description <i>SIMPLE STALKING</i>			
Stored By <i>BAKER, STEPHANIE</i>			Date/Time <i>04/08/2019 00:00</i>		Submitted By <i>BAKER, STEPHANIE</i>		Date/Time <i>04/08/2019 00:00</i>
No.	Bag	Item	Description of Articles (Include model, serial no., identifying marks, condition, etc.)			Category	Property Value
<i>1</i>	<i>8</i>	<i>8</i>	<i>Amazon Subpoena 4.000 DOCU, amazon subpoena [04/08/2019 11:46, KEARNEY, 176, DBPD]</i>  <i>Owner: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800</i> <i>Seized From: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800</i>			<i>EVID</i>	<i>\$1.00</i>

## Narrative

Officer's Name/ID Number <i>BAKER, STEPHANIE (0935)</i>			Supervisor Name/ID Number <i>CRANE-BAKER, JOHN (0723)</i>		Case Status <i>Cleared By Warrant</i>
Officer's Signature		Submitted Date <i>04/08/2019 00:00:00 Mon</i>		Case Disposition <i>Cleared By Warrant</i>	

Agency Name <i>Delray Beach Police Department</i>			ORI <i>FL 0500400</i>		Incident Date / Time Reported <i>09/20/2017 18:00 Wed</i>		OCA File No. <i>17014767</i>	
Location from which property was obtained <i>300 W ATLANTIC AVE BLK DELRAY BEACH</i>					Collecting Officer <i>BAKER, STEPHANIE (0935)</i>			
Date / Time Seized <i>09/20/2017 18:00</i>			Locker <i>WWIN</i>		Offense Description			
Stored By <i>BAKER, STEPHANIE</i>			Date/Time <i>09/23/2017 00:00</i>		Submitted By <i>BAKER, STEPHANIE</i>			Date/Time
No.	Bag	Item	Description of Articles (Include model, serial no., identifying marks, condition, etc.)				Category	Property Value
<i>1</i>	<i>9</i>	<i>9</i>	<i>Thumb Drive: Victims Information 1.000 RECO, purple thumb 100 thousand text messages from victims personal phone [05/23/2019 15:35, KEARNEY, 176, DBPD] [05/23/2019 15:35, KEARNEY, 176, DBPD] Owner: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800 Seized From: GUERRIERO, NICOLE LT, 300 W ATLANTIC AVE, DELRAY BEACH, FL 33444, 561-243-7800</i>				<i>EVID</i>	<i>\$1.00</i>

## Narrative

Officer's Name/ID Number <i>BAKER, STEPHANIE (0935)</i>			Supervisor Name/ID Number <i>CRANE-BAKER, JOHN (0723)</i>		Case Status <i>Cleared By Warrant</i>	
Officer's Signature			Submitted Date <i>09/23/2017 00:00:00 Sat</i>		Case Disposition <i>Cleared By Warrant</i>	

## DEFENDANT/EVIDENCE LIST

Fedorenchik, Bethany Ann

DEFENDANT:

Circuit Court Case #

Det. Baker #935

17-014767

Arresting Officer

Police Dept. Case #

Filing Officer: Det. Baker #935

A. NAMES, ADDRESSES AND PHONE NUMBERS OF ALL PERSONS WHO MAY HAVE INFORMATION WHICH MAY BE RELEVANT TO THE OFFENSE CHARGED OR ANY DEFENSE THERETO, ARE PROVIDED ON PAGE 3.

B. ARE THERE ANY STATEMENTS OF PERSONS LISTED IN PARAGRAPH 1?

☐ Yes ☒ NO ☐ Written ☐ Taped

☐ Oral (Check only if statement was written down when person said it)

Copy of transcript provided ☐ Yes ☒ No

C. WRITTEN, RECORDED, AND/OR ORAL STATEMENTS OF DEFENDANT (USE additional pages if necessary)

1 ) Person to whom made: n/a

Date of Statement: n/a Written ☐ Taped ☐

Oral ☐ IF ORAL WHAT DID HE/SHE SAY? n/a

Person to whom made: n/a

Date of Statement n/a Written ☐ Taped ☐

Oral ☐ IF ORAL WHAT DID HE/SHE SAY? n/a

# EXHIBIT 5

**D. WRITTEN, RECORDED AND/OR ORAL STATEMENTS OF CO-DEFENDANT.**  
(use additional pages if necessary)

1) Person to whom made: n/a

Date of Statement: n/a Written ☐ Taped ☐

Oral ☐ IF ORAL WHAT DID HE/SHE SAY? n/a

2 ) Person to whom made: n/a

Date of Statement: n/a Written ☐ Taped ☐

Oral ☐ IF ORAL WHAT DID HE/SHE SAY? n/a

E. GRAND JURY TESTIMONY	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
F. CONFIDENTIAL INFORMANT	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
G. ELECTRONIC SURVEILLANCE	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
H. SEARCH AND/OR SEIZURE	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
REPORTS OF EXPERTS	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO

Name of Expert: n/a

Nature of Testimony: n/a

**J. PAPERS OR OBJECTS BELONGING TO OR OBTAINED FROM DEFENDANT.**  
(use additional pages if necessary)

	<u>ITEMS</u>	<u>CUSTODIAN</u>	<u>CHAIN OF CUSTODY</u>
1)	None	None	None
2)			
3)			
4)			
5)			
6)			
7)			
8)			
9)			
10)			
11)			
12)			

**K. OTHER EVIDENCE. (use additional pages if necessary)**

	<u>ITEMS</u>	<u>CUSTODIAN</u>	<u>CHAIN OF CUSTODY</u>
1 )	cell phone download	DBPD Evidence Dept.	Trapasso-Baker
2 )	Emails	DBPD Evidence Dept.	Guerriero, Baker
3 )	Text messages	DBPD Evidence Dept.	
4 )			
5 )			
6 )			
7 )			
8 )			
9 )			
10 )			
11 )			
12 )			

**L. ANYTHING SHOWING THE DEFENDANT MAY NOT BE GUILTY: ☐ YES ☒ NO**

Source: \_\_\_\_\_


Describe Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**M. INFORMATION OR EVIDENCE TO BE SUPPLIED LATER. (use additional pages if necessary)**

Item: Thumb Drive of download \_\_\_\_\_

Date will be furnished: upon request \_\_\_\_\_

Why not supplied at filing: in evidence \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: IT IS THE RESPONSIBILITY OF THE OFFICER FILING THE CASE TO INSURE THE FOREGOING LIST IS COMPLETE AND CORRECT.

  
 \_\_\_\_\_  
 SIGNATURE OF FILING OFFICER

Delray Beach Police Department

3/21/19

\_\_\_\_\_  
DATE

**VICTIM/WITNESS LIST****VICTIM:** Guerriero, Nicole**ADDRESS:** (W) 300 West Atlantic Ave Delray Beach Fl 33444(H) 300 West Atlantic Ave Delray Beach Fl 33444**PHONE:** (W) 561-243-7800(H) 561-243-7800

IF NO PHONE, THEN NAME, ADDRESS AND PHONE NUMBER OF PERSON WHO MAY BE CONTACTED TO ACCEPT MESSAGE:

**CAN TESTIFY TO:** Victim-witness statement, interviews, cellphone records.\*\*\*\*\*  
**ARRESTING OFFICER:** BakerID# 935**DEPARTMENT:** 300 West Atlantic Ave Delray Beach Fl 33444**ADDRESS:** 300 West Atlantic Avenue Delray Beach, FL 33444**PHONE:** (W) 561-243-7602(H) 561-243-7800**CAN TESTIFY TO:** PC, interviews, supplemental reports and ir\*\*\*\*\*  
**NAME:** \_\_\_\_\_

ID# \_\_\_\_\_

**ADDRESS:** (W) \_\_\_\_\_

(H) \_\_\_\_\_

**PHONE:** (W) \_\_\_\_\_

(H) \_\_\_\_\_

IF NO PHONE, THEN NAME, ADDRESS AND PHONE NUMBER OF PERSON WHO MAY BE CONTACTED TO ACCEPT MESSAGE:

**CAN TESTIFY TO:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_\*\*\*\*\*  
**NOTE: CIVILIAN WITNESS GIVE HOME AND BUSINESS ADDRESS AND PHONE NO. OFFICERS-BUSINESS ADDRESS AND PHONE ONLY**  
**Delray Beach Police Department**



## Nellie King

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**From:** Warren, Lawonda <WarrenL@mydelraybeach.com>  
**Sent:** Wednesday, June 12, 2019 3:48 PM  
**To:** Nellie King  
**Cc:** Blake, Haydee  
**Subject:** Public Records Request #P002675-053019

Nellie,

Our Public Records Assistant recently sent you a correspondence and invoice regarding request no. P002675-053019, in which you requested "Any additional downloaded cell phone data" for DBPD agency case no. 17-014767. Please disregard both. After further review, the information is not a public record under Chapter 119, Florida Statutes, Public Records Act. Section 119.01(12) defines public records as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Fla. Stat. § 119.01(12).

The additional downloaded cell phone data was not made or received in connection with a transaction of official business (criminal investigation) by our department. The only cell phone data records that were received and made evidence as part of the department's official business (criminal investigation) were the 44,000 text messages. As such, the additional downloaded cell phone data will not be released to you.

**Lawonda R. Warren, Esq.** | Assistant City Attorney/Police Legal Advisor

☎ 561-243-7823 | ✉ warrenl@mydelraybeach.com | 300 W. Atlantic Avenue, Delray Beach, FL 33444

### CITY OF DELRAY BEACH

*"One Delray. One Community. One Police Department."*



**PUBLIC RECORDS NOTE:** Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

## EXHIBIT 6